

REMARKS

In the present Amendment, new claim 78 has been added. Support for claim 78 is found, for example, in Table 1 at pages 61-64 of the specification, which indicates that the present inventors envisioned compounds with the main core structure of the compound of claim 78 and with a linear alkyl group, so that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 61-78 will be pending.

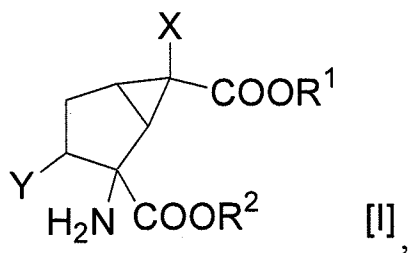
Claim 74 is provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 60 of co-pending Application No. 12/511,482.

Applicants note that claim 60 of the co-pending '482 Application was cancelled in a Preliminary Amendment filed December 22, 2009, rendering this rejection moot.

Claims 61-73 and 75-77 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 7-9 of the co-pending '482 Application.

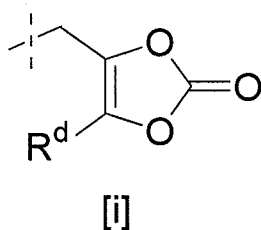
Applicants submit that this rejection should be withdrawn because the present claims are not obvious over claims 1-4 and 7-9 of the co-pending '482 Application.

Claim 1 of the co-pending '482 Application has been amended to recite a 2-amino-bicyclo[3.1.0]hexane-2,6-dicarboxylic ester compound, or a pharmaceutically acceptable salt thereof, represented by formula [I]



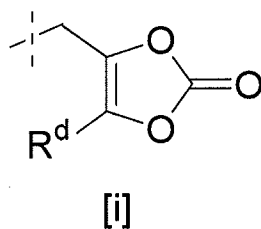
wherein,

R¹ and R² are different, and when either one represents a hydrogen atom, the other is a group represented by formula [i]



wherein R^d represents a C₁₋₁₀alkyl group, a C₂₋₁₀alkenyl group or an aryl group; or,

both R¹ and R² are a group represented by formula [i]



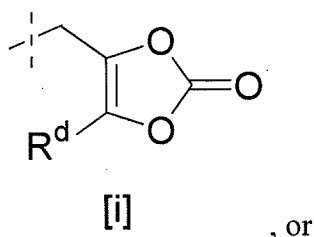
wherein R^d represents a C₁₋₁₀alkyl group, a C₂₋₁₀alkenyl group or an aryl group;

X represents a fluorine atom; and

Y represents $-\text{OCHR}^3\text{R}^4$ wherein R^3 and R^4 are identical or different, and each represents a hydrogen atom, a C_{1-10} alkyl group, a C_{2-10} alkenyl group, a phenyl group, a naphthyl group, a naphthyl group substituted by one to seven halogen atoms, a heteroaromatic group or a phenyl group substituted by one to five substituents selected from a group consisting of a halogen atom, a phenyl group, a C_{1-10} alkyl group, a C_{1-10} alkoxy group, a trifluoromethyl group, a hydroxycarbonyl group, an amino group, a nitro group, a cyano group and a phenoxy group.

Claim 2 of the co-pending '482 Application has been amended similar to claim 1. Claims 3-4 and 7-9 of the co-pending '482 Application have been cancelled.

Claims 1 and 2 of the co-pending '482 Application as amended require that when R^1 or R^2 represents a hydrogen atom, the other represents a group represented by formula [i]



both R^1 and R^2 are a group represented by formula [i].

In the present claims, the corresponding R^2 is H, however, the corresponding R^1 groups are entirely different from the group represented by formula [i] recited in the co-pending '482 Application.

Accordingly, the present claims are not obvious and are patentable over the claims of the co-pending '482 Application. Reconsideration and withdrawal of the double patenting rejection based on the co-pending '482 Application are respectively requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/562,018

Attorney Docket No.: Q92007

New claim 78 is patentable over the cited reference for at least the same reasons that claims 61-77 are patentable, as discussed above.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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